

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL
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Howard, Rice, et al
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San Francisco, CA 94111

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

#99020965

AMENDMENT TO AMENDED AND RESTATED DECLARATION OF
EASEMENTS, COVENANTS AND RESTRICTIONS
FOR 1850 AND 1860 US HIGHWAY 50, GLENBROOK NEVADA

This Amendment to Amended and Restated Declaration of Easements, Covenants and Restrictions for 1850 and 1860 US Highway 50, Glenbrook, Nevada ("Amendment") is made as of this 7th day of June, 1999, by Douglas Boucher, an individual, Theodore Boucher, an individual, James L. Young, trustee of the James L. Young Trust dated February 12, 1997 (collectively, "Co-Owners"), and Determined Productions, Inc., a California corporation ("DPI").

RECITALS

A. Co-Owners are the owners of that certain real property located in the Glenbrook area of the County of Douglas, State of Nevada, commonly known as 1860 US Highway 50, more particularly described in Exhibit A-1, attached hereto ("Parcel 1").

B. DPI is the owner of that certain real property located in the Glenbrook area of the County of Douglas, State of Nevada, commonly known as 1850 US Highway 50, more particularly described in Exhibit A-2, attached here to ("Parcel 2").

C. Co-owners and DPI desire to amend certain provisions of that certain Amended and Restated Declaration of Easements, Covenants and Restrictions, dated as of December 5, 1997 (the "CC&Rs").

Now, therefore, Co-Owners and DPI hereby agree as follows:

1. Defined Terms. Capitalized terms used and not defined herein shall have the same meanings as set forth in the CC&Rs.

2. Section 2.1 of the CC&Rs is hereby deleted in its entirety and replaced with the following:

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2.1 Beach Access Stairway: The term “beach access stairway” shall mean that certain outdoor stone stairway existing as of the date hereof located at or near the property line separating Parcel 1 and Parcel 2 and extending from such property line over a portion of Parcel 2 towards the lake frontage on Parcel 2.

3. Section 3.6 of the CC&Rs is hereby deleted in its entirety and replaced with the following:

3.6 Access Easement: There is hereby established, reserved and granted in favor of Parcel 1, as dominant tenement, a non-exclusive, appurtenant easement (the “Access Easement”) from the point where the Beach Access Stairway or the path to the Beach Access Stairway intersects the property line separating Parcel 1 and Parcel 2, to, over and across the Beach Access Stairway, and continuing from the Beach Access Stairway to the Boat Dock Easement, as hereinafter defined in Section 3.8, which Access Easement shall be for the benefit of the Owner of Parcel 1 and such Owner’s invitees and licensees, solely for the purpose of pedestrian ingress and egress to the Boat Dock Easement and to the portion of Parcel 1 abutting the lake. The Co-Owners acknowledge that they have no other easement rights over or across Parcel 2, except as set forth in the CC&Rs, as herein amended or of record in the Official Records of Douglas County, State of Nevada.

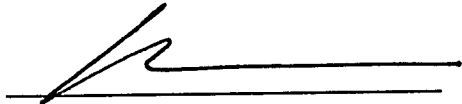
4. Section 3.7 of the CC&Rs, entitled “Boat Dock” is hereby renumbered Section 3.8. In addition, the following provision is hereby added to renumbered Section 3.8: “The easement described in this Section 3.8 shall hereinafter be referred to as the “Boat Dock Easement.”

5. Section 3.8 of the CC&Rs, entitled “Restrictions on Servient Tenement” is hereby renumbered Section 3.9.

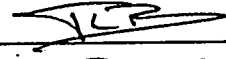
6. This Amendment and the CC&Rs shall be governed by the laws of the State of Nevada.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the date first above written.

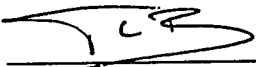
DETERMINED PRODUCTIONS, INC.,
a California corporation



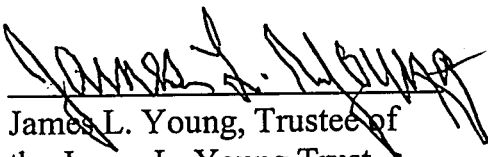
Douglas Boucher, an individual

By: 

Its: CO-PRESIDENT
Theodore Boucher



Theodore Boucher, an individual



James L. Young, Trustee of
the James L. Young Trust

COOPY

STATE OF CALIFORNIA)

COUNTY OF San Francisco)

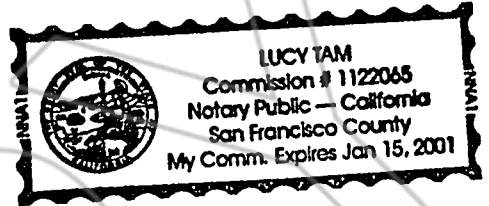
SS.

On June 7, 1999 before me, the undersigned Notary Public, personally appeared James L Young, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

[Signature]

Signature of Notary Public



STATE OF CALIFORNIA)

COUNTY OF San Francisco)

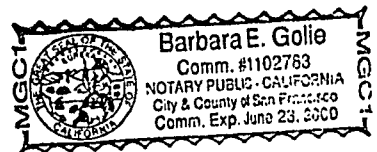
SS.

On June 7th, 1999 before me, the undersigned Notary Public, personally appeared Gary R. Brubns, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

[Signature]

Signature of Notary Public



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LEGAL DESCRIPTION

The land referred to herein is situated in the State of Nevada, County of Douglas, described as follows:

Parcel 1:

Parcel 1, as shown on the Parcel Map for R.E. ECKENWEILER, JUNE M. ECKENWEILER, CONSTANCE BOUCHER AND JAMES YOUNG, filed for record in the office of the County Recorder of Douglas County, Nevada, on June 7, 1979, in Book 679, page 379 as Document No. 33205.

Parcel 2:

All that real property, being a portion of Section 15, Township 14 North, Range 18 East, M.D.B.&M., more particularly described as follows:

Beginning at the Northwest corner of Parcel No. 2, as shown on that Record of Survey Map filed in the office of the County Recorder of Douglas County, State of Nevada on May 14, 1990, Document No. 225967, said point being a chiseled X in boulder and on the approximate high water line of Lake Tahoe; thence along said approximate high water line of Lake Tahoe North $26^{\circ}20'22''$ West 215.21 feet; thence leaving said approximate high water line of Lake Tahoe South $76^{\circ}47'56''$ East 468.63 feet; thence South $76^{\circ}36'51''$ West 370.83 feet to the Point of Beginning of this description.

Parcel 3:

Together with all that land lying Westerly of the above described Parcels 1 and 2 to the Low Water Line at elevation 6,223.0 feet, Lake Tahoe Datum, in accordance with NRS 321.595

APN 01-110-160.

Parcel 4:

Together with a right of way over the Westerly 30 feet of Parcels 3 and 4 as shown on the map referenced to above for access to a boat dock as reserved in deed from CONSTANCE BOUCHER, et al, to R.E. ECKENWEILER, et ux, recorded September 28, 1979, in Book 979, page 2168, as Document No. 37158 Official Records, Douglas County, Nevada.

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Exhibit A-2

Parcel 2, as shown on the Parcel Map for R. E. ECKENWEILER, JUNE M. ECKENWEILER, CONSTANCE BOUCHER and JAMES YOUNG, filed for record in the office of the County Recorder of Douglas County, Nevada, on June 7, 1979, in Book 679, Page 379, as Document No. 31205.

Excepting therefrom all that real property, being a portion of Section 15, Township 14 North, Range 18 East, M.D.B. & M., more particularly described as follows:

Beginning at the Northwest corner of Parcel No. 2, as shown on that Record of Survey Map filed in the office of the County Recorder of Douglas County, State of Nevada on May 14, 1990, Document No. 225967, said point being a chiseled X in boulder and on the approximate high water line of Lake Tahoe; thence along said approximate high water line of Lake Tahoe North 26° 20' 22" West 215.21 feet; thence leaving said approximate high water line of Lake Tahoe South 76° 47' 56" East 468.63 feet; thence South 76° 36' 51" West 370.83 feet to the Point of Beginning of this description.

Together with a right of way over the Westerly 30 feet of Parcels 3 and 4 as shown on the Map referred to above for access to a boat dock as reserved in deed from CONSTANCE BOUCHER, et al, to R.E. ECKENWEILER, et ux, recorded September 28, 1979, in Book 979, Page 2168, as Document No. 37158 Official Records, Douglas County, Nevada.

Excepting any portion of the above described property lying below the 6223.00 foot level of Lake Tahoe and also excepting any artificial accretions to said land waterward of said land or natural ordinary high water or, if lake level has been artificially lowered. Excepting any portion below such elevation as may be established as the boundary by boundary line agreement with the State or by quiet title action in which the State is a party.

RESERVING therefrom and together with all those certain easements as more fully set forth in the document entitled DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS recorded on 1/6/95, in Book 114, Page 76, Document no. 353574.

APN: 01-110-15

This conveyance is made and accepted, and said real property is hereby granted, in accordance with and subject to the said DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS, and any amendments thereto, which document is, by this reference, incorporated herein and made a part hereof, as though fully set forth herein.

REQUESTED BY
STEWART TITLE of DOUGLAS COUNTY
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

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